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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,097	09/26/2001	Craig Andrew Bayliss	JP920000296US1	3011

23550 7590 04/07/2004

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EXAMINER	
PESIN, BORIS M	

ART UNIT	PAPER NUMBER
2174	5

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/964,097	Applicant(s) BAYLISS ET AL.	
	Examiner Boris Pesin	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-29 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: A Graphical User Interface for Displaying Results for a Retrieved Set of Data.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-15, 17, 18, 20-25, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Stephens, Jr. (US 6636853).

In regards to claim 1, Stephens teaches a method of presenting a control on a computer user interface comprising: retrieving stored information on request by a user (i.e. "Data sources 312 through 322 include program instructions that interface with one or more search engines that retrieve information responsive to the user's query from computer systems associated with data sources 312 through 322." Column 6 Line 64 – Column 7 Line 1); selecting a control according to the nature of the information; and creating the control on the interface including the information (i.e. "The width of the blocks in each stratum represents the relative number of records in the cluster represented by a block. Thus, the wider a block is, the more records it includes. Additionally the height of a block indicates the relative number of records contained in

that block's stratum. These height and width indicators provide another visual cue of the distribution of the documents according to the various categories for which information is available, and allows the user to visually determine which cluster is likely to contain relevant information." Column 9, Line 21-31).

In regards to claim 2, Stephens teaches a method wherein the control is selected from two or more control types according to the nature of the information (i.e. "The width of the blocks in each stratum represents the relative number of records in the cluster represented by a block. Thus, the wider a block is, the more records it includes. Additionally the height of a block indicates the relative number of records contained in that block's stratum. These height and width indicators provide another visual cue of the distribution of the documents according to the various categories for which information is available, and allows the user to visually determine which cluster is likely to contain relevant information." Column 9, Line 21-31). There can be many different sizes of blocks in which the data is presented, the system has to figure out what size the blocks should be based on many different variables.

In regards to claim 3, Stephens teaches a method wherein each control is suited for use with information of a particular nature. (i.e. "The clustering algorithm may be performed by either client program instructions 302 or server program instructions 304. For example, assume 200 or more documents were found during a search. The clustering algorithm determines each group based on one or more categories of information, such as a combination of "size and date", and "same author and price".

The clustering algorithm also separates each group of documents into a set of sub-groups of documents having similar attributes." Column 8, Line 27 – 35).

In regards to claim 4, Stephens teaches a method wherein the information comprises a plurality of records and the nature of the information relates to the number of records (i.e. "The width of the blocks in each stratum represents the relative number of records in the cluster represented by a block. Thus, the wider a block is, the more records it includes. Additionally the height of a block indicates the relative number of records contained in that block's stratum. These height and width indicators provide another visual cue of the distribution of the documents according to the various categories for which information is available, and allows the user to visually determine which cluster is likely to contain relevant information." Column 9, Line 21-31).

In regards to claim 5, Stephens teaches a method wherein the control is selected according to the number of records comprising the information. (i.e. "The width of the blocks in each stratum represents the relative number of records in the cluster represented by a block. Thus, the wider a block is, the more records it includes. Additionally the height of a block indicates the relative number of records contained in that block's stratum. These height and width indicators provide another visual cue of the distribution of the documents according to the various categories for which information is available, and allows the user to visually determine which cluster is likely to contain relevant information." Column 9, Line 21-31). There can be many different sizes of blocks (i.e. controls) in which the data is presented, the system has to figure out what size the blocks should be based on many different variables.

In regards to claim 6, Stephens teaches a method a method wherein the selected control is suited for displaying the number of records comprising the information. (i.e. "The width of the blocks in each stratum represents the relative number of records in the cluster represented by a block. Thus, the wider a block is, the more records it includes. Additionally the height of a block indicates the relative number of records contained in that block's stratum. These height and width indicators provide another visual cue of the distribution of the documents according to the various categories for which information is available, and allows the user to visually determine which cluster is likely to contain relevant information." Column 9, Line 21-31).

In regards to claim 7, Stephens teaches a method wherein the control is selected according to a threshold which relates to a quantity of records (i.e. "The width of the blocks in each stratum represents the relative number of records in the cluster represented by a block. Thus, the wider a block is, the more records it includes. Additionally the height of a block indicates the relative number of records contained in that block's stratum. These height and width indicators provide another visual cue of the distribution of the documents according to the various categories for which information is available, and allows the user to visually determine which cluster is likely to contain relevant information." Column 9, Line 21-31). The block size is chosen according to a threshold, or, a number of records within the set of results.

In regards to claim 8, Stephens teaches a method wherein the selected control is suited to displaying the number of records comprising the information (i.e. "The width of the blocks in each stratum represents the relative number of records in the cluster

represented by a block. Thus, the wider a block is, the more records it includes. Additionally the height of a block indicates the relative number of records contained in that block's stratum. These height and width indicators provide another visual cue of the distribution of the documents according to the various categories for which information is available, and allows the user to visually determine which cluster is likely to contain relevant information." Column 9, Line 21-31).

Claim 10 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 11 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 12 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 13 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 14 is in the same context as claim 5; therefore it is rejected under similar rationale.

Claim 15 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 18 is in the same context as claim 8; therefore it is rejected under similar rationale.

Claim 20 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 21 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 23 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 24 is in the same context as claim 5; therefore it is rejected under similar rationale.

Claim 25 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 27 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 28 is in the same context as claim 8; therefore it is rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9, 16, 19, 16, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens, Jr. (US 6636853) in view of Brandli et al. (US 5701469).

In regards to claim 9, Stephens teaches all the limitations of claim 8. He does not teach a method wherein the control is a combination box or a list box. Brandli teaches, "As shown in FIG. 2, the search result list box 202 currently contains the names of the files that contain the text string specified as the search criteria in edit field 203 after the user has pressed the "Find Now" button 204." (Column 5, Line 60). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stephens with the teachings of Brandli and include a list box to display the retrieved information with the motivation to provide the user with more results on the screen.

Claims 16, 19, 16, and 29 are in same context as claim 9; therefore they are rejected under similar rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6671693 Marple et al.

Teaches a system for effectively collecting and disseminating data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristine Kincaid

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